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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-205894

DATE: January 5, 1982

MATTER OF: Norman Chapman

DIGEST:

GAO will not consider an appeal from the contracting agency's denial of a protest based on alleged improprieties that were apparent from the invitation as issued where the initial protest was not filed before bid opening.

Norman Chapman protests that various provisions in Department of the Army invitation for bids No. DABT31-81-D-0130 were improperly stated or unduly restrictive. We dismiss the protest.

Norman Chapman initially protested the matters to the contracting activity by letter of November 18, 1981, which the activity denied in a December 11 letter. The protest to our Office was filed on December 22.

Our Bid Protest Procedures require that if a firm files a protest with the contracting activity which is based on alleged improprieties that were apparent from the invitation as issued, a subsequent protest to our Office will be considered on the merits only if the initial protest was filed before bid opening. 4 C.F.R. § 21.2 (1981).

The protester's submission shows that the contract under the Army's invitation was awarded on September 24. Clearly then, Chapman's November 18 protest to the Army was not timely filed. We therefore will not consider the protest to our Office.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel